

Annual Town Meeting
Tuesday, April 26, 2011
Marshfield High School

Marshfield's Annual Town Meeting was called to order on Monday, April 25, 2011 at Marshfield High School. The meeting was convened at 7:20PM. Annual Town Meeting was adjourned at 7:22PM and Special Town Meeting was convened. Articles 3,9,2,10, 5,4,1,8,6 and 7 were voted on. Special Town Meeting was dissolved at 11:10PM. Checkers included Charlotte Keith, Kay Ramsey, Madeleine Radley, Susan Flynn, Anne Lariviere, Narice Casper, Paula Buckley, Trish Murphy, Karen O'Donnell, Lauren Hughes, Barry Bartlett, Irene Carriere and Dick Lariviere. Counters were Jim Haddad, Jim Creed, Jack Cantwell, Ann Marie Sacchetti, Kay Ramsey, Jack Braithwaite, Barry Cornwall, Reed Stewart, Otis Carney, Madeleine McDonald, Susan Tilden, Donna Beals, Barbara Carney, Martine Anderson, Terry Wening, Jack Beagle, Susan Flynn, Dick Lariviere, Narice Casper and Barry Bartlett. Marshfield's Annual Town Meeting was called to order on Tuesday, April 26, 2011 at Marshfield High School at 7:00PM. Articles 1-4 were voted on and Town Meeting was adjourned at 10:35PM. Town Meeting reconvened at 7:00PM on Thursday, April 28, 2011 at Marshfield High School and articles 5-10,14,13,22,36,38,31,16,12,24,17, 19,20,21 and 32 were voted on and the meeting was adjourned at 10:33PM. Town meeting was reconvened on Monday, May 2, 2011 at Marshfield High School and articles 27,33,18,26,28,23,15,34,30,37,25,29 and 5 were voted on. Annual town meeting was dissolved at 8:50PM on May 2, 2011.

ARTICLE 1 The Town **VOTED** to receive the reports of the Town Officers and Committees.

PASSED BY MAJORITY VOTE

ARTICLE 2 The Town **VOTED** to establish the salaries and compensation of all elected Town Officers for fiscal year 2012 and raise and appropriate \$65,378 from the FY 2012 tax levy to pay the same.

Selectmen	\$ 3,417	(Chairman \$1,229, 2 members \$1,094)
Assessors	\$ 3,687	(Chairman \$1,363, 2 members \$1,162)
Public Works	\$ 2,180	(Chairman \$816, 2 members \$682)
Planning Board	\$ 1,120	(Chairman \$320, 4 members \$200)
Board of Health	\$ 1,460	
Town Clerk	\$53,422	
Moderator	\$ 92	
	<u>\$65,378</u>	

PASSED BY MAJORITY VOTE

ARTICLE 3 The Town **VOTED** that \$5,000,000 is appropriated for the purpose of making energy efficiency improvements to Town buildings, including the payment of all other costs incidental and related thereto pursuant to an Energy Management Services Contract under General Laws Chapter 25A between the Town of Marshfield and an energy management services contractor; and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,000,000 under MGL c.44, §7(3B) or any other enabling authority; the bonds to be issued hereunder are hereby designated as "qualified energy conservation bonds" ("QECBs") pursuant to Internal Revenue Code Section 54D, and the bonds may be issued as QECBs to the extent that the Board of Selectmen determines the issuance that the issuance of QECBs is in the best interests of the Town; and further that the \$62,090 sum previously appropriated from free cash under Article 1 of the warrant at the Special Town Meeting held on October 19, 2009 for an energy audit is hereby re-appropriated for the purpose of making said energy efficiency improvements to Town buildings; provided that the amount of the authorized borrowing shall be reduced by the amounts of any utility rebates or other rebates related to the project received prior to the issuance of bonds or notes under this vote; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project.

YES – 154 NO – 49 – PASSED BY 2/3rds VOTE

ARTICLE 4 – The Town **VOTED** to approve the capital projects set forth on the spreadsheet published as Article 4 in the 2011 Annual Town Meeting warrant, beginning on page 3, as modified by vote of the Town under this article, and that said projects be funded by transfers from available funds in the amount of **\$1,087,985** as indicated in that spreadsheet and borrowing in the amount of **\$5,064,000** as indicated in that spreadsheet, and further to authorize the Treasurer with the approval of the Board of Selectmen to borrow **\$5,064,000** under Massachusetts General Laws, Chapter 44, Section 7 for the General, Water and Sewer Fund purposes set forth in the column of that spreadsheet entitled "Project/Program".

PROJECT/PROGRAM	FY12 Request	FY 12 CBC Recommendation	Funding Source
K - 5 Mathematics Textbook Adoption – SW	\$400,000	\$400,000	Borrowing MGL Chapter 44
ADA Work – GW	\$371,310	\$0	
Bituminous Paving – MHS	\$169,204	\$0	
Replacement of Gymnasium Bleachers - FBMS, MES	\$100,000	\$0	
High School Feasibility & Design (MSBA Project)			To be voted as a separate article in Special Town Meeting due to additional language required as an MSBA project and need to start the project as soon as possible - Borrowing pursuant to MGL Chapter 44
	\$3,000,000	Recommendation in separate article in STM at \$3M	
South River Dredging	\$200,000	\$0	
Rescue/patrol vessels	\$36,000	\$36,000	Waterways Fund
Construction of Harbormaster Building			Borrowing pursuant to MGL Chapter 44 contingent on receipt of grant from the Seaport Advisory Council or any other state/federal grant for at least 75% of the full cost of \$1.4M
	\$1,400,000	\$1,400,000	
Replace Station 1 - Ocean Bluff	\$1,335,000	\$0	
Replace Engine 4 - 1988 Maxim 1000 GPM Pumper	\$466,000	\$0	
Replace Car C-1 - 2002 Chevrolet (Hybrid)	\$60,000	\$0	
Refurbish Station 3 headquarters - 60 South River St	\$50,000	\$0	
Replace Paramedic Ambulance - 2005 Ford F-450	\$193,000	\$193,000	Borrowing pursuant to MGL Chapter 44
Replace Car C-3 - 2004 Chevrolet (Hybrid)	\$35,000	\$0	
Refurbish Town Wide Interoperable Radio System	\$50,000	\$0	
Install Plymo Vent at Station 1 and Upgrade Station 2 & 3	\$38,000	\$38,000	Borrowing pursuant to MGL Chapter 44
Replacement of 60 40-caliber handguns	\$38,000	\$38,000	Borrowing pursuant to MGL Chapter 44
Replace 1984 and 2000 motorcycles	\$51,000	\$51,000	Borrowing pursuant to MGL Chapter 44
Communication Infrastructure Carolina Comm Tower	\$203,000	\$203,000	Borrowing pursuant to MGL Chapter 44
1998 Chevy PU Truck #164 mileage - 173,882	\$38,000	\$0	
Summer St. Dam Rehabilitation	\$75,000	\$0	
Seawalls - Replacement - Constellation to Rexhame Rds.			To be voted as a separate article in Special Town Meeting due to additional language and need to start the project as soon as possible - Borrowing pursuant to MGL Chapter 44
	\$1,200,000	Recommendation in separate article in STM at \$1.2M	
Seawalls and Rip rap	\$1,000,000	\$150,000	Borrowing pursuant to MGL Chapter 44

Alamo Building and Buildings at G07-02-18 (former Hancock Paint) Feasibility and preliminary design	\$60,000	\$60,000	Transfer \$60,000 from Library Design, Art 29, ATM 04/2008
Road Reconstruction	\$250,000	\$250,000	Borrowing pursuant to MGL Chapter 44
Pave Central Fire Station Parking lot	\$50,000	\$49,985	Transfer from the following articles: \$15,000 from Library Design, Art 29, ATM 04/2008 \$1,471 from Engineering of Streets Art 13, ATM 04/2000 \$8,514 from Union St Bridge, Art 7, STM 10/2005 \$25,000 from Grapple Bucket, Art 4 ATM 04/2010
Highway Vehicle #42 2001 Int Dump 102,335 miles	\$217,000	\$0	
1987 Bombadier #121 side walk plow replace with trackless with plow and boom mower	\$134,200	\$0	
1995 Chevy PU Truck # 189 - utility body mileage 165,556	\$41,000	\$41,000	Borrowing pursuant to MGL Chapter 44
1997 Bobcat #193 1508 operating hours	\$36,000	\$0	
VM-Ware - Virtual Server Consolidation - Data Storage	\$110,000	\$100,000	Free Cash
Server Replacement	\$48,000	\$0	
Data Storage	\$25,000	\$0	
Technology Upgrade	\$25,000	\$0	
ESCO - Energy Conservation Projects	\$5,000,000	Recommendation in separate article at \$5M	To be voted as a separate article due to additional language required - Borrowing pursuant to MGL Chapter 44 contingent on being a Qualified Energy Conservation Bond
\$16,504,714		\$3,009,985	Total recommended in this specific article
Collection System Repairs	\$150,000	\$150,000	Transfer \$150,000 from Sewer 2000, Art 1, STM 04/2000
Main Lift Station Upgrades	\$1,635,000		
Pump Station Upgrades (Beta Master Plan) Avon & Central Sts	\$203,000	\$203,000	Transfer \$42,613 from Wastewater Retained Earnings and Transfer from the following articles: \$34,500 from Generator Art 4, ATM 04/2001 \$54,220 Building Repairs Art 4, ATM 04/2003 \$25,156.93 Building Repairs Art 4, ATM 04/2005 \$12,249 Office Modifications Art 5, ATM 04/1998 \$27,006.94 Meadowview Sewer Art 9, ATM 04/1999 \$7,254.13 Sewer 2000 Art 1, STM 04/2000
Outfall System repairs	\$50,000	\$50,000	Wastewater Retained Earnings
1999 PU truck #97 mileage 131,000	\$40,000	\$0	
1995 Int Convento dump truck (Grease Hauler) mileage 24000	\$150,000	\$0	
Influent screening	\$1,350,000		
Sewer tie in for Rexhame shack	\$50,000	\$0	

	\$3,628,000	\$403,000	
Pudding Hill New Tank Design, Construction, old tank demolition	\$2,500,000	\$2,500,000	Borrowing pursuant to MGL Chapter 44
Water Main Upgrades	\$120,000	\$120,000	Transfer \$21,452.40 from Water Enterprise Retained Earnings And Transfer from the following articles: \$81,358.24 Beach Street Water Main, Art 4, ATM 04/2002 \$11,068.62 Moraine Street Water Main, Art 4, ATM 04/2002 \$6,120.74 Furnace Brook Aquifer Study, Art 8, STM 10/2008
Construction Lime Storage Building	\$225,000	\$0	
2000 PU truck #184 with utility body; mileage 135,000	\$40,000	\$40,000	Transfer \$2,874.42 from Water Enterprise Retained Earnings And Transfer from the following articles: \$34,596.90 Pump Test Fairgrounds, Art 4, ATM 04/2005 \$2,528.68 Pudding Hill Tank, Art 4, ATM 04/1999
2000 PU truck #185; mileage 180,000	\$38,000	\$38,000	Water Enterprise Retained Earnings Transfer \$2,702. from Water Enterprise Retained Earnings And Transfer from the following articles: \$9,918.27 So. River Street Water Main, Art 16, ATM 04/2005 \$11,714.73 Ferry Street Pump Station, Art 4, AtM 04/2006 \$16,665. Water Tank Design & Construct. Art 4, ATM 04/2006
Well Cleaning and rehabilitation	\$41,000	\$41,000	
Back hoe #180 replacement	\$115,000	\$0	
	\$3,079,000	\$2,739,000	
	\$23,211,714	\$6,151,985	

Free Cash	\$100,000.00
Waterways Fund	\$36,000.00
Transfer from other general fund articles	\$109,985.00
Borrowing supported by tax levy - does not factor in grants as yet to be received	\$2,764,000.00
Water Enterprise Retained Earnings	\$65,028.82
Wastewater (Sewer) Enterprise Retained Earnings	\$292,613.00
Transfer from other Enterprise Fund articles	\$484,358.18
Enterprise Fund Borrowing supported by user fees	\$2,300,000.00

PASSED BY 2/3rds VOTE

ARTICLE 5 The Town **VOTED** to transfer \$299,594.62 into the Stabilization Fund.

PASSED BY 2/3rds VOTE

ARTICLE 6 The Town **VOTED** to raise and appropriate \$72,312,889 and to meet said appropriation raise \$71,345,364 from the FY 2012 tax levy, transfer \$35,000 from Cemetery Perpetual Care Interest, \$122,525 from bond premiums for debt service, \$14,000 from Licensing & Keeping of Dogs, \$26,000 from Wetland Protection Fund, \$20,000 from Waterway Improvement Fund and \$750,000 from Free Cash to defray Town expenses, debts and other charges from July 1, 2011 to June 30, 2012 in the manner set forth in Article 6 of the warrant, and as also set forth beginning on page 6 of the booklet for the 2011 Annual Town Meeting.

PASSED BY MAJORITY VOTE

Department	FY10 Expended	FY11 Budget	FY 12 Advisory Board Recommended
Selectmen Salaries	\$ 239,234	\$ 246,694	\$ 246,724
Selectmen Expenses	\$ 200,609	\$ 217,000	\$ 216,970
Selectmen Total	\$ 439,843	\$ 463,694	\$ 463,694
Facilities Salaries	\$ -	\$ -	\$ 93,000
Facilities Expenses	\$ -	\$ -	\$ 7,000
Facilities Total	\$ -	\$ -	\$ 100,000
Reserve Fund	\$ 98,245	\$ 100,000	\$ 100,000
Town Acct Salaries	\$ 164,111	\$ 166,784	\$ 166,820
Town Acct Expenses	\$ 4,016	\$ 3,975	\$ 3,939
Town Acct Total	\$ 168,128	\$ 170,759	\$ 170,759
Assessors Salaries	\$ 205,682	\$ 209,207	\$ 210,442
Assessors Expenses	\$ 58,878	\$ 57,510	\$ 56,950
Assessors Total	\$ 264,560	\$ 266,717	\$ 267,392
Treas Coll Salaries	\$ 341,801	\$ 338,973	\$ 338,493
Treas Coll Expenses	\$ 41,157	\$ 33,900	\$ 34,380
Treas Coll Total	\$ 382,958	\$ 372,873	\$ 372,873
Audit	\$ 50,000	\$ 50,000	\$ 60,000
Legal	\$ 174,773	\$ 170,000	\$ 170,000

Department	FY10 Expended	FY11 Budget	FY 12 Advisory Board Recommended
Info Technlgy Salaries	\$ 111,795	\$ 117,777	\$ 148,475
Info Technlgy Expenses	\$ 155,883	\$ 155,366	\$ 151,668
Info Technlgy Total	\$ 267,678	\$ 273,143	\$ 300,143
Town Clerk Salaries	\$ 45,065	\$ 51,084	\$ 51,732
Town Clerk Expenses	\$ 2,253	\$ 4,110	\$ 4,110
Town Clerk Total	\$ 47,318	\$ 55,194	\$ 55,842
Elections/Bd of Reg	\$ 31,416	\$ 62,450	\$ 35,450
Conservation Salaries	\$ 97,820	\$ 98,809	\$ 98,839
Conservation Expenses	\$ 9,538	\$ 8,580	\$ 8,580
Conservation Total	\$ 107,358	\$ 107,389	\$ 107,419
Planning Bd Salaries	\$ 116,900	\$ 118,141	\$ 118,186
Planning Bd Expenses	\$ 1,448	\$ 1,448	\$ 1,898
Planning Bd Total	\$ 118,348	\$ 119,589	\$ 120,084
Zoning Bd of App Salaries	\$ 26,759	\$ 27,569	\$ 27,574
Zoning Bd of App Expenses	\$ 1,990	\$ 1,900	\$ 1,895
Zoning Bd of App Total	\$ 28,748	\$ 29,469	\$ 29,469
Police Salaries	\$ 3,394,258	\$ 3,388,977	\$ 3,535,629
Police Expenses	\$ 206,571	\$ 229,982	\$ 229,982
Police Total	\$ 3,600,828	\$ 3,618,959	\$ 3,765,611
Fire Salaries	\$ 3,900,312	\$ 4,010,389	\$ 4,010,389
Fire Expenses	\$ 235,151	\$ 242,100	\$ 242,100
Fire Total	\$ 4,135,463	\$ 4,252,489	\$ 4,252,489
Building Ins Salaries	\$ 231,636	\$ 236,808	\$ 236,883
Building Ins Expenses	\$ 8,223	\$ 7,184	\$ 7,184
Building Ins Total	\$ 239,860	\$ 243,992	\$ 244,067
Sealer of Wgts & Meas	\$ 5,000	\$ 5,000	\$ 5,000
Animal Control Salaries	\$ 46,057	\$ 48,037	\$ 48,373
Animal Control Expenses	\$ 9,040	\$ 10,400	\$ 10,064
Animal Control Total	\$ 55,097	\$ 58,437	\$ 58,437
Animal Inspect Salaries	\$ 1,800	\$ 1,800	\$ 1,800
Animal Inspect Expenses	\$ -	\$ -	\$ -
Animal Inspect Total	\$ 1,800	\$ 1,800	\$ 1,800

Department	FY10 Expended	FY11 Budget	FY 12 Advisory Board Recommended
Harbormaster Salaries	\$ 93,000	\$ 93,000	\$ 93,000
Harbormaster Expenses	\$ 48,352	\$ 50,500	\$ 50,500
Harbormaster Total	\$ 141,352	\$ 143,500	\$ 143,500
Education		\$ 40,216,264	\$ 40,650,267
Education Total	\$ 39,373,688	\$ 40,216,264	\$ 40,650,267
DPW Salaries	\$ 1,518,709	\$ 1,604,781	\$ 1,615,051
DPW Expenses	\$ 506,627	\$ 588,658	\$ 578,388
DPW Total	\$ 2,025,336	\$ 2,193,439	\$ 2,193,439
Snow & Ice	\$ 404,046	\$ 375,000	\$ 400,000
Automotive Fuel	\$ 321,029	\$ 405,374	\$ 405,374
Bd of Health Salaries	\$ 181,534	\$ 183,494	\$ 183,742
Bd of Health Expenses	\$ 24,365	\$ 24,365	\$ 24,117
Bd of Health Total	\$ 205,899	\$ 207,859	\$ 207,859
Council on Aging Salaries	\$ 168,104	\$ 164,679	\$ 164,705
Council on Aging Expenses	\$ 35,829	\$ 40,377	\$ 40,351
Cncl on Aging Total	\$ 203,933	\$ 205,056	\$ 205,056
Veterans Salaries	\$ 58,027	\$ 65,856	\$ 68,258
Veterans Expenses	\$ 381,870	\$ 393,667	\$ 391,265
Veterans Total	\$ 439,897	\$ 459,523	\$ 459,523
Library Salaries	\$ 499,746	\$ 503,771	\$ 503,771
Library Expenses	\$ 152,114	\$ 148,300	\$ 148,300
Library Total	\$ 651,860	\$ 652,071	\$ 652,071
Recreation Salaries	\$ 64,924	\$ 65,665	\$ 65,765
Recreation Expenses	\$ 3,000	\$ 1,632	\$ 1,532
Recreation Total	\$ 67,924	\$ 67,297	\$ 67,297
Trustees of Veterans Memrls	\$ 9,579	\$ 9,580	\$ 9,580
Historical Commission	\$ 2,001	\$ 3,780	\$ 3,780
Clam Flats Salaries	\$ 2,000	\$ 2,000	\$ 2,000
Clam Flats Expenses	\$ -	\$ 1,000	\$ 1,000
Clam Flats Total	\$ 2,000	\$ 3,000	\$ 3,000
Debt Service	\$ 4,937,982	\$ 4,720,000	\$ 4,720,000

General Insurance	\$ 642,704	\$ 702,580	\$ 760,809
Retirement	\$ 3,298,846	\$ 3,768,238	\$ 3,736,165
Employee Benefits	\$ 4,781,211	\$ 5,431,015	\$ 5,756,876
Unemployment	\$ 164,407	\$ 243,000	\$ 150,000
Medicare	\$ 596,556	\$ 625,000	\$ 650,000
Unclassified Salaries	\$ 748	\$ 1,000	\$ 1,000
Unclassified Expenses	\$ 32,539	\$ 35,050	\$ 34,600
Unclassified Total	\$ 33,287	\$ 36,050	\$ 35,600
Utilities	\$ 418,210	\$ 472,164	\$ 402,164
Town Department COLAs	\$ -	\$ -	\$ 20,000
Grand Total Gen Fund	\$68,939,167	\$71,361,744	\$72,312,889

ARTICLE 7 The Town **VOTED** to appropriate \$2,357,101 to defray Wastewater direct costs and transfer \$426,811 of Wastewater indirect costs to the General Fund, by raising \$2,578,789 of Wastewater Receipts, using \$14,861 in bond premiums for debt service and using \$190,262 of Wastewater Retained Earnings to fund the total costs of the Wastewater (Sewer) Enterprise Fund as follows:

Wastewater	Fiscal 2012 Budget
Salaries	\$795,250
Expenses	\$939,500
Emergency Reserve	\$100,000
Debt Service	\$522,351
Appropriated for Direct Cost	\$2,357,101
Indirect Costs	\$426,811
Total Cost Wastewater	\$2,783,912

PASSED BY MAJORITY VOTE

ARTICLE 8 The Town **VOTED** to appropriate \$2,901,788 to defray Water direct costs and transfer \$589,052 of Water indirect costs to the General Fund, by raising \$3,377,322 of Water Receipts and using \$113,518 in bond premiums for debt service to fund the total costs of the Water Enterprise Fund as follows:

Water	Fiscal 2012 Budget
Salaries	\$1,078,000
Expenses	\$846,000
Emergency Reserve	\$100,000
Debt Service	\$877,788
Appropriated for Direct Cost	\$2,901,788
Indirect Costs	\$589,052
Total Cost Water	\$3,490,840

PASSED BY MAJORITY VOTE

ARTICLE 9 The Town **VOTED** to appropriate \$2,537,031 to defray Solid Waste direct costs and transfer \$209,835 of Solid Waste indirect costs to the General Fund, by raising \$2,446,866 of Solid Waste Receipts and using \$300,000 of Solid Waste Retained Earnings to fund the total costs of the Solid Waste Enterprise Fund as follows:

Solid Waste	Fiscal 2012 Budget
Salaries	\$515,031
Expenses	\$1,972,000
Emergency Reserve	\$50,000
Debt Service	\$ 0.00
Appropriated for Direct Cost	\$2,537,031
Indirect Costs	\$209,835
Total Cost Solid Waste	\$2,746,866

PASSED BY MAJORITY VOTE

ARTICLE 10 The Town **VOTED** to establish revolving funds for certain Town Departments under Massachusetts General Law, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2011, with the specific receipts credited to each fund the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

<u>Authorized to Spend</u>	<u>Revolving Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY 2012 Spending Limit</u>
Beach Commission	Beaches	Fees charged for beach stickers, parking at public beach lots and snack bar operations.	Part-time salaries, supplies, other charges and expenses of the beach operations.	\$210,000
DPW	Playing Field Rentals	Fees charged for rental of playing fields.	Part-time salaries, supplies, other charges and expenses of the playing field operations.	\$50,000
School Committee	High School Graphic Arts Program	Fees charged for the graphic arts program.	Part-time staff, supplies and equipment for the program.	\$35,000
School Committee	High School Restaurant Program	Fees charged for the restaurant program.	Part-time staff, supplies and equipment for the program.	\$25,000
School Committee	Boat Building Program	Fees charged for the activities of the boat building program.	Part-time staff, supplies and equipment for the program.	\$8,000

School Committee	Integrated Pre-school Program	Fees charged for the activities of the integrated pre-school program.	Part-time staff, supplies and equipment for the program.	\$125,000
School Committee	Community Education Program Fund	Fees charged for summer school and adult education.	Services of the continuing education program staff, supplies and equipment.	\$50,000
School Committee	Driver Education Program Fund	Fees charged for Driver education program.	Driver education staff, supplies, and equipment.	\$130,000
School Committee	Student Parking Fund	Fees charged to students for parking.	Expenses associated with school parking lot maintenance and monitoring.	\$70,000
Council on Aging	GATRA Bus	Reimbursement for Services	Expenses associated with transportation services for COA	40,000
Seth Ventress Rental	Selectmen	Fees for Rental of Seth Ventress Building	Expenses associated with maintenance of the Seth Ventress Building	10,000
			TOTAL OF ALL FUNDS	\$753,000

PASSED BY MAJORITY VOTE

ARTICLE 11 The Town **VOTED** to amend the Personnel Classification and Compensation By-Law by adding and amending it as follows:

1. By adding to Schedule A, Professional Group the following new positions:

Position Title

Council on Aging- Project Coordinator for Volunteers (Part Time) Grade 6

Council on Aging- Social Service Coordinator Grade 7

2. In the Part Time and Seasonal Group, by changing the hourly rate for "Beach Supervisor" from \$10-\$11.50 to \$10 to \$15.

3. By striking out Schedule E in its entirety and substituting therefor the following new Schedule E, such change to be effective as of July 1, 2011.

	FY2012			
Annual				
GRADE	STEP 1	STEP 2	STEP 3	STEP 4
4	\$26,753	\$27,822	\$28,932	\$30,088
5	\$29,511	\$30,689	\$31,918	\$33,185
6	\$32,554	\$33,854	\$35,211	\$36,620
7	\$35,909	\$37,339	\$38,839	\$40,389
8	\$39,600	\$41,191	\$42,834	\$44,546
9	\$44,546	\$45,430	\$47,244	\$49,142
10	\$48,195	\$50,116	\$52,125	\$54,204
11	\$53,159	\$55,284	\$57,485	\$59,788
12	\$58,639	\$60,978	\$63,413	\$65,958
13	\$64,506	\$67,072	\$69,756	\$72,555
14	\$70,689	\$73,515	\$76,449	\$79,503
15	\$77,754	\$80,863	\$84,094	\$87,455

PASSED BY MAJORITY VOTE

ARTICLE 12 The Town **VOTED** to raise and appropriate from the FY 2012 tax levy the sum of \$20,000 to be used to pay employees amounts to which they are entitled under applicable collective bargaining agreements or personnel bylaws, for unused sick leave.

PASSED BY MAJORITY VOTE

ARTICLE 13 The Town **VOTED** to raise and appropriate from the FY 2012 tax levy the sum of \$10,000 to be transferred to the Other Post Employment Benefits Liability Trust Fund as established at the April 2009 Special Town Meeting.

PASSED BY MAJORITY VOTE

ARTICLE 14 The Town **PASSED OVER** raising and appropriating from the FY 2012 tax levy the sum of \$35,000 to be used for the emergency repair of private ways, or take any other action relative thereto. Said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works.

PASSED OVER

ARTICLE 15 The Town **VOTED** to raise and appropriate from the FY 2012 tax levy the sum of \$30,000 to be used for grading of dirt roads, or take any other action relative thereto. Said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works.

PASSED BY MAJORITY VOTE

ARTICLE 16 The Town **VOTED** to appropriate the sum of \$756,398 available to the Town under Massachusetts General Law Chapter 90, Section 34 (2)(a).

PASSED BY MAJORITY VOTE

ARTICLE 17 The Town **VOTED** to transfer from Water Enterprise Retained Earnings the sum of \$100,000.00 to provide funds for the DPW Water Division to continue its next phase of the residential metering.

PASSED BY MAJORITY VOTE

ARTICLE 18 The Town **VOTED** to rescind Article 25 of April 2009 Annual Town Meeting; and further to construct certain Town pier improvements that consist of a new unloading facility, pier extension with associated floats and gangway and to defray the cost of such construction to appropriate \$510,000 by transferring \$85,000 from the Waterways Improvement Fund and by applying the proceeds of a grant from the Seaport Advisory Council in the amount of \$425,000.

PASSED BY MAJORITY VOTE

ARTICLE 19 - The Town **VOTED** to amend the Zoning Bylaw by inserting a new section 12.03 entitled "Large Scale Ground Mounted Solar Photovoltaic Installations" and further amend the Zoning Bylaw Section 5.04 Table of Use Regulations by inserting the following new use under the category of Wholesale Transportation and Industrial as follows

Section Large Scale Ground Mounted Solar Photovoltaic Installations
12.03

12.03 1. Purpose

The purpose of this bylaw is to promote the creation of new large scale ground mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large scale ground mounted solar photovoltaic installations.

2. Applicability

This section applies to large scale ground mounted solar photovoltaic installations proposed to be constructed after the effective date of this bylaw. These regulations also pertain to physical modifications that materially alter the type, configuration, or size of installations or related equipment.

12.03 3. General Requirements for all Large Scale Ground Mounted Solar Photovoltaic Installations

The following requirements apply to all large scale ground mounted solar photovoltaic installations to be sited in the I-1 Zoning District.

3.1 Compliance with All Other Laws and Regulations

The construction and operation of all large scale ground mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a large scale ground mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.

3.2 Building Permit and Building Inspection

No large scale ground mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3.3 Site Plan Review

Large scale ground mounted solar photovoltaic installation with 250 KW or larger rated nameplate capacity shall undergo a site plan review in accordance with the requirements of Section 12.02 Site Plan Approval, prior to construction, installation or modification as provided in this section. In addition to compliance with the requirements of Section 12.02 Site Plan Approval, the following additional information shall be provided at the time of submission of the application.

- a. Drawings of the large scale ground mounted solar photovoltaic installation shall be stamped by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- b. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- c. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- d. Name, address, and contact information for proposed system installer;
- e. An Operation and Maintenance plan;
- f. Proof of liability insurance.

The Board may waive documentary requirements as it deems appropriate.

The By-Right Site Plan Approval process administered by Zoning Board of Appeals for large scale ground mounted solar photovoltaic installation shall be completed within one year of the date of submission of a complete application package. All other locally required permits for large scale ground mounted solar photovoltaic installation shall also be issued within one year of the date of submission of a complete application package.

3.4 Independent Consultants

Upon submission of the site plan application, the Board will be authorized to hire outside consultants, as needed, to advise them on technical issues related to the large scale ground mounted solar photovoltaic installation application, pursuant to Chapter 44 Section 53G of Massachusetts General Laws. The applicant will be required to pay the consultant's fees.

3.5 Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large scale ground mounted solar photovoltaic installation.

3.6 Operation & Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large scale ground mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water management, as well as general procedures for operational maintenance of the installation.

3.7 Utility Notification

No large scale ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the large scale ground mounted solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

3.8 Set backs

The set backs for large scale ground mounted solar photovoltaic installations shall comply with the setbacks required in section 6.10 for the I-1 Zoning District.

3.9 Appurtenant Structures

All appurtenant structures to large scale ground mounted solar photovoltaic installation shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures should be screened from view by an evergreen buffer of vegetation and/or a 6' high solid fence to avoid adverse visual impacts.

3.10 Lighting

Lighting of large scale ground mounted solar photovoltaic shall comply with Section 8.09. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large scale ground

mounted solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3.11 Signage

Signs on large scale ground mounted solar photovoltaic installation shall comply with Section 7.05. A sign shall be provided that identifies the owner and provides a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large scale ground mounted solar photovoltaic installation.

3.12 Utility Connections

All utility connections from the large scale ground mounted solar photovoltaic installation shall be located underground. In the event that site constraints make it cost prohibitive due to soil conditions and/or topography of the site, or any requirements of the utility provider, the Board may wave this requirement. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

Section

12.03 4. Safety and Environmental Standards

4.1 Emergency Services

The facilities owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Fire Chief. The facility's owner or operator shall cooperate with public safety officials in developing an emergency response plan. All means of shutting down the large scale ground mounted solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

4.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to only what is necessary for the construction, operation and maintenance of the facility.

5. Monitoring and Maintenance

5.1 Maintenance

The facility's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the large scale ground mounted solar photovoltaic installation and any access road(s), unless accepted as a public way.

5.2 Modifications

All material modifications to a large scale ground mounted solar photovoltaic installation made after issuance of the building permit shall require approval of the Board.

Section

12.03 6. Abandonment or Decommissioning

6.1 Removal Requirements

Any large scale ground mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned, as described in section 6.2, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large scale ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

6.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large scale ground mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the large scale ground mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

6.3 Financial Surety

Applicants shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removing the entire large scale ground mounted solar photovoltaic installation in the event the town has to intervene by removing the large scale ground mounted solar photovoltaic installation and remediating the landscape. The applicant shall submit a surety bond in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety will not be required for municipally or state owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The amount shall include a mechanism for calculating increased removal costs due to inflation.

TABLE OF USE REGULATIONS

Principal Uses	Residential				Business					Industrial		Overlay	
	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRP D
<u>WHOLESALE, TRANSPORTATION AND INDUSTRIAL</u>													
21. Large scale ground mounted photovoltaic installations producing 250 KW DC or greater	-	-	-	-	-	-	-	-	-	P*	SP		-

Key

SP = Special Permit Required

P = Use Permitted

- = Prohibited Use

* = **Expedited Permitting** - The By-Right Site Plan Approval process administered by Zoning Board of Appeals for ground mounted large scale solar photovoltaic installations shall be completed within one year of the date of submission of a complete application package. All other locally required permits for ground mounted large scale solar photovoltaic installations shall also be issued within one year of the date of submission of a complete application package.

PASSED BY 2/3rds VOTE

ARTICLE 20 The Town **VOTED** to amend the Zoning Bylaw Article XIII Superimposed Districts, Section 13.03 Water Resource Protection District by deleting Section 13.03 in its entirety and replacing it with the following new Section 13.03 Water Resource Protection District and to amend the Zoning Bylaw Article II Definitions by inserting the following new defined terms, in alphabetical order, in the existing list of definitions. And further to amend the Zoning Bylaw Article XII Special Regulations, Section 12.02 Site Plan Approval by inserting the following new subsection 6. (i) Review Criteria /Performance Standards and re-lettering the current subsection 6. (i.) 6. (j .) and Amend the Zoning Bylaw Article III, Establishment of Zoning Districts by deleting section 3.05 (8) in its entirety.

1. Purpose of District - The purpose of this overlay district is to prevent contamination of and preserve the quantity and quality of ground and surface water which provides existing or potential water supply for the Town's residents, institutions, and businesses.
2. Scope of Authority - This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses prohibited in the underlying zoning districts shall be prohibited in the WRPD.
3. Establishment and Delineation of the WRPD
 - 3.1 The WRPD includes the Zone II protection areas as shown on the "Zoning Map of the Town of Marshfield, Massachusetts," as defined in Section 3.03 of the Zoning Bylaw (Zoning Map). The WRPD is superimposed over any other District established by this Bylaw. In cases of conflicting use regulations, the more restrictive zoning requirements shall apply.
 - 3.2 The boundaries of this district may be modified upon acceptance of approved Zone II conformance with Well Head Protection requirements of the Massachusetts Drinking Water Regulations 310 CMR 22.21 and through a Zoning Map amendment approved through Town Meeting.
4. Split Lots and Determination of Applicability
 - 4.1 Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this bylaw shall apply only to the portion of the lot or parcel located within the WRPD. The boundary shall be shown on a site plan as required by this bylaw or through Site Plan Review and shall be acceptable to the reviewing authority in accordance with all applicable provisions from the Zoning Bylaw and associated Planning Board Rules and Regulations.
 - 4.2 The applicant shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary through post-development grading, stormwater infrastructure, wastewater infrastructure or other potential connections that could lead to the contamination of groundwater within the WRPD. Where development practices create a hydrologic connection across the WRPD boundary, the applicant shall demonstrate that any water moving into or away from the WRPD is accounted for in any of the required pollutant loading calculations and meets all of the standards associated with the WRPD. Where a Special Permit may be required, the Planning Board may impose such conditions as are reasonably required to ensure that these standards are met.
 - 4.3 If an applicant questions the accuracy of Town's Zoning Map as referenced in Section 3.1 above, the applicant may challenge the extent to which his/her property is subject to the WRPD provisions in advance of submitting an application for development to the Building Inspector, Zoning Board of Appeals, or the Planning Board. Said challenge shall be made through a request for a Determination of Applicability to the Building Inspector. A request for a Determination of Applicability shall be made in writing to the Building Inspector and shall include the following information at a minimum:
 - a. Site Plan clearly depicting the parcel boundary and boundaries of adjacent parcels and rights of way;
 - b. Survey benchmarks;
 - c. Stamp from a Massachusetts Registered Surveyor;
 - d. Name and address of property owner(s);
 - e. Property address and Map and Lot number from the most recent Assessor's records;
 - f. Locations of surface water and wetland flags;
 - g. Location of WRPD boundary;
 - h. North arrow;
 - i. Scale (minimum of 1 inch = 40 feet).
 - 4.4 Upon receipt of a request for a Determination of Applicability, the Building Inspector may make this determination in consultation with the Town Engineer and any other applicable agent of the Town of Marshfield.
 - 4.5 The burden of proof shall be upon the applicant to determine the extent to which the property is subject to the jurisdiction of this Bylaw. At the request of the applicant the Town may engage a professional engineer or State of Massachusetts registered Land Surveyor to determine more accurately the boundaries of the district with respect to individual parcels of land and may charge the applicant for all or part of the cost of the investigation.

- 4.6 The Building Inspector shall file his/her written determination with the Planning Board and the Zoning Board of Appeals. Any application for a Determination of Applicability and associated materials shall not substitute for materials required as part of Site Plan Review, a Building Permit Application, or any application for a Special Permit. Any determination made by the Building Inspector as part of a Determination of Applicability shall be considered by other reviewing agencies in their deliberations of separate applications, but shall not constitute approval or denial of said applications.

5. Use Regulations

- 5.1 Exempt Uses – The following specific uses of land shall be exempt from provisions associated with the WRPD. Where municipal services are exempted herein (subsections e, f, and g), the Department of Public Works or Town Engineer shall provide notice to the Planning Board of these activities within fourteen (14) days of beginning work along with any available engineered plans.
- a. Storage of liquid petroleum products of any kind incidental to (1) normal household quantities as defined in Article Two "Definitions" of the Zoning Bylaw and outdoor maintenance or the heating of a structure, (2) waste oil retention facilities approved by the Board of Health OR required by M.G.L. c. 21, s.52AA, or (3) emergency generators required by statute, rule or regulation;
 - b. Non-sanitary wastewater treatment facilities approved by the DEP exclusively designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
 - c. The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design capacity greater than the design capacity of the existing non-sanitary wastewater treatment facility;
 - d. The installation of new wells, the laying of water lines, repair and replacement of pipe and appurtenances;
 - e. Drainage repair, replacement, and expansion of existing drainage structures and pipe. All drainage repair, replacement, and expansion shall follow DEP stormwater management Best Management Practices as applicable;
 - f. Minor road repair and overlay including total reconstruction or expansion;
 - g. Street improvements pursuant to the Planning Board's street improvement policy; and
 - h. The laying of sewer line, repair, replacement or expansion of existing structures and pipe.
- 5.2 Prohibited Uses - In addition to any prohibitions found in Section 5.04 Table of Use Regulations, the following specific uses of land shall be prohibited within the WRPD:
- a. Petroleum, fuel oil, and heating oil bulk stations and terminals, not including liquefied petroleum gas.
 - b. Facilities that generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c.21C and 310 CMR 30.00, except for the following:
 - i. Very small quantity generators as defined under 310 CMR 30.000;
 - ii. Household hazardous waste centers and events under 310 CMR 30.390;
 - iii. Waste oil retention facilities required by M.G.L. c.21, s.52A;
 - iv. Non-sanitary wastewater treatment facilities approved by DEP for the treatment of contaminated waters.
 - c. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads.
 - d. Stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the WRPD.
 - e. Landfills and/or open dumps as defined in 310 CMR 19.006.

- f. Automobile graveyards and junkyards, as defined in M.G.L. c.140B, s.1.
 - g. Landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to M.G.L. c. 21 s.26 through s.53; M.G.L. c. 111 s.17; M.G.L. c. 83 s.6 and s.7, and regulations promulgated thereunder.
 - h. Animal feedlots exceeding ten animals per acre, except as may be protected under M.G.L. c.40A, s.3.
 - i. Any new development or expansion of existing development that will result in more than 30% of a site becoming impervious within a residential district or more than 60% of a site within a commercial or industrial district becoming impervious unless specifically exempted under Section 13.03 5.1 Exempt Uses.
 - j. Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, unless specifically exempt in Section 13.03 5.1 Exempt Uses.
- 5.3 By-Right Uses – The following uses are allowed by-right within the WRPD provided all necessary permits, orders, or approvals required by local, state or federal laws are obtained and subject to Section 13.03 5.2 Prohibited Uses and Section 13.03 5.4 Special Permit Uses of this bylaw.
- a. Conservation of soil, water, plants, and wildlife;
 - b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - c. Foot, bicycle and/or horse paths, and bridges;
 - d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - e. Maintenance, repair, and enlargement of any existing structure;
 - f. Single family residential development;;
 - g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing;
 - h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, treatment plants, aqueducts, and tunnels; and
 - i. Any use allowed by-right in Section 5.04 Table and Use Regulations that is not otherwise prohibited or requires a Special Permit in the WRPD.
- 5.4 Special Permit Uses – In addition to Section 5.04 Table of Use Regulations, the following uses shall require a Special Permit from the Planning Board, as the Special Permit Granting Authority (SPGA).
- a. Enlargement or alteration of existing uses that do not conform to the WRPD;
 - b. Activities that involve toxic or hazardous materials in quantities greater than those associated with normal household quantities except as may be prohibited under Section 13.03.5.2 Prohibited Uses;
 - c. Any increase in size or new onsite septic system or sanitary wastewater treatment plant with an individual or combined flow of 2,000 gallons per day or greater.
 - d. Any streets, including new subdivision streets and bridges, which will be built to serve five lots or more unless specifically exempted under Section 13.03 5.1 Exempt Uses.
 - e. Underground storage tanks not including those that may be used to temporarily store wastewater effluent in a system approved by the Board of Health or those used to temporarily store stormwater as part of a management system compliant with Section 6.8 of this Bylaw.
- 5.5 Reoccupation and Special Permits. Existing residential, commercial, industrial, and/or community facilities where a change in use is proposed may not require a Special Permit provided that a WRPD Reoccupation Certificate signed by the

Building Commissioner indicates that a Special Permit is not required pursuant to the Planning Board Rules and Regulations associated with this Bylaw. Eligibility for a WRPD Reoccupation Certificate is contingent upon following conditions:

- a. Any proposed use that is allowed by right pursuant to Section 13.03.5.3 shall be eligible.
 - b. Where the previous use required a Special Permit and the proposed use also requires a Special Permit, the triggers for Special Permits must be the same pursuant to Section 13.03.5.4 in order to be eligible.
6. Performance and Design Standards for All Activities. Where applicable, the following performance and design standards shall apply to any activity that may be allowed by-right or through a Special Permit in the WRPD.
- 6.1 Construction Activities – Erosion and sediment control measures shall be taken to ensure that exposed earth and debris are not displaced by stormwater runoff or other conditions in accordance with the requirements for Site Plan Review or the Rules and Regulations associated with a WRPD Special Permit.
 - 6.2 Safeguards - Provision shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism. Such measures may include provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials. Any proposed indoor or outdoor storage of liquid petroleum products shall be in covered and secure container(s) in an area that has a containment system. Said containment system shall be designed and operated to hold the larger of the following two volumes:
 - a. 10% of the cumulative storage capacity of all containers; or
 - b. 110% of the single largest container's storage capacity.
 - 6.3 Pesticides, Herbicides, Fertilizer and Manure – Storage of pesticides and/or herbicides, as defined in M.G.L. c.132B, of commercial fertilizers and soil conditioners, as defined in M.G.L. c.128, s.64, and animal manure shall only be permitted within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.
 - 6.4 Disposal - No disposal of hazardous wastes within WRPD shall occur. All provisions of M.G.L. Chapter 21C (the Massachusetts Hazardous Waste Management Act) shall be adequately satisfied.
 - 6.5 Fill - Fill material used in the WRPD shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to ensure proper condition of the fill. Where a Special Permit is required, the SPGA may require soils testing by a certified laboratory at the applicant's expense as part of the application process or during construction.
 - 6.6 Separation from Groundwater - Permanent removal, or regrading of the existing soil cover shall be prohibited where these activities shall result in a finished grade elevation less than five (5) feet above the historical high groundwater level.
 - a. Excavations for: 1) building foundations; 2) roads or utility work; or 3) the installation of Stormwater BMPs shall be exempt from this requirement.
 - b. The high groundwater elevation may be determined by:
 - i. Soil color using the Munsell system, the abundance, size and contrast of redoximorphic features, if present;
 - ii. Observation of actual water table during times of annual high water table; or
 - iii. Use of USGS wells for correlating comparisons in water tables during times when the water table is not at the annual high range.
 - c. Groundwater elevations depicted on plans shall be stamped by a Massachusetts registered Professional Engineer.
 - d. Where these requirements would severely limit the development potential of a particular parcel, an applicant may propose permanent removal or regrading of the existing soil cover to a finished grade which is less than five (5) feet above the historical high groundwater elevation through a full WRPD Special Permit application.

- 6.7 Wastewater – Wastewater flow in the WRPD shall not exceed 440 gallons per 40,000 square feet for the use of conventional on-site wastewater disposal. This flow may increase to 550 gallons per 40,000 square feet through the use of a DEP approved innovative and alternative septic system provided the Board of Health also approves the use of the system.
- 6.8 Stormwater Management - Stormwater runoff from impervious surfaces shall be recharged on-site in accordance with the standards and guidelines included in the latest version of the Massachusetts Stormwater Management Standards unless in conducting application review it is determined that either recharge is unfeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge.
7. Performance and Design Standards for Special Permit Applications. In addition to those performance and design standards in listed in Section 13.03.6, the following performance and design standards shall apply to any activity that may be allowed through a Special Permit in the WRPD as applicable.
- 7.1 Nitrogen loading - All applicants required to obtain a Special Permit in accordance with Section 5.04 Table of Use Regulations and Section 13.03.5.4 Special Permit Uses, and all applicants for any permit for any use or structure to be located on land which is within the WRPD and which is shown on a definitive subdivision plan, filed on or after April 22, 1996, shall demonstrate by written report to the satisfaction of the Planning Board, that the concentration of nitrate - nitrogen resulting from wastewater disposal, animal waste, runoff and fertilizer application, when diluted by rainwater recharge on the lot or subject property as a whole, shall not exceed five (5) milligrams per liter (mg/L). Nitrogen loading, for the purpose of this requirement, shall be calculated in accordance with the Planning Board Rules and Regulations adopted pursuant to Section 13.03 8 Administrative Procedures.
- 7.2 Emergency Response Plan (ERP) - For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the SPGA, if deemed necessary, for approval prior to granting of a Special Permit. Recommendations from the Fire Department on said plan shall be sought. At a minimum, the ERP shall include:
- a. A clear outline of communication protocol among facility personnel and emergency response agencies;
 - b. 24-hour contact information for a designated emergency response coordinator (typically the owner or facility manager), who can respond to the site within one hour of notification, multiple emergency response coordinators are recommended;
 - c. 24-hour emergency contact information for local police department, fire department, and board of health;
 - d. 24- hour emergency contact information for notification of the Massachusetts Department of Environmental Protection;
 - e. 24-hour emergency contact information for the facilities designated hazardous waste transporter, if the facility is a licensed hazardous waste or regulated waste generator;
 - f. A list of the hazardous products or hazardous wastes present at the facility, including volume and location of any aboveground or underground storage containers;
 - g. Inventory of all clean-up supplies; and
 - h. A facility map showing hazardous waste accumulation areas, aboveground or underground storage containers, sinks and drains, emergency exits, fire extinguisher locations, and locations of spill clean-up supplies. The facility map shall be posted in the building and shall include emergency contact numbers.
- 7.3 Monitoring - Periodic monitoring shall be required when the site location and land use activities in the area indicate a significant risk of contamination to the water supply as determined by the SPGA based upon recommendations of the Department of Public Works, Board of Health, and Conservation Commission. Such monitoring may include analysis of water for chemical constituents determined by the SPGA to be appropriate and the installation of groundwater monitoring wells constructed and located by a registered professional engineer with expertise in hydrology, or by directly testing effluent. All testing and engineering costs will be borne by the applicant for Special Permit or owner of the property.
- 7.4 Wastewater Flows that Exceed 2,000 gpd – For those uses that require a Special Permit pursuant to 5.4.c, applicants shall meet one of the following standards using the procedures outlined in the Planning Board's Regulations:
- a. Where a previously developed site is being redeveloped, applicants shall demonstrate that there is no net increase in the concentration of nitrogen when nitrogen loading analyses are performed for both the previous and proposed use; or
 - b. For new development that cannot meet the 5 mg/L on-site standard for average nitrogen concentration or where the standard under Section 13.03 7.4.a cannot be achieved for redevelopment, a aggregation of flows analysis

shall be provided pursuant to the WRPD Rules and Regulations demonstrating the use of credit land will result in compliance with the 5 mg/L standard.

8. Administrative Procedures - The Planning Board, as the SPGA, shall adopt Rules and Regulations relative to their role in governing activities within the WRPD, which may be amended from time to time and filed with the Town Clerk. Where a Special Permit application is being considered, the Board shall follow the procedural requirements for Special Permits as set forth in M.G.L. Chapter 40A, Section 9.
 9. Review Criteria - Decisions by the SPGA to approve, deny or approve with conditions any application for a Special Permit in the WRPD shall use the following criteria:
 - 9.1 The proposal shall be in harmony with the purpose and intent of this bylaw and will promote the purposes of the WRPD.
 - 9.2 The proposal shall meet the Performance and Design Standards of Section 13.03 6 Performance and Design Standards for All Activities and Section 13.03 7 Performance and Design Standards for Special Permit Applications as applicable.
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Article II Definitions by inserting the following new defined terms, in alphabetical order, in the existing list of definitions.

CMR: Code of Massachusetts Regulations.

DEP: Massachusetts Department of Environmental Protection.

Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation: synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and thinners; and all substances defined as hazardous or toxic under M.G.L. c.21C and 21E and 310 CMR 30.00.

Hazardous Material or Waste, Household Quantity of: Any or all of the following:

- a. Six hundred and sixty (660) gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator; and/or
- b. Quantities of propane used for standard household or commercial heating or cooking purposes; and/or
- c. The total bulk storage of twenty five (25) gallons (or the dry weight equivalent) or less of other toxic or hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator; and/or
- d. A quantity of hazardous waste at the Very Small Quantity Generator level as defined and regulated in the Massachusetts Hazardous Waste Regulations, specifically section 310 CMR 30.353.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

M.G.L.: Massachusetts General Laws

Petroleum Product: Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Open Dump: A facility which is operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)) as amended, or the regulations and criteria promulgated thereunder relative to solid waste disposal, pursuant to 310 CMR 19.006.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include DEP approved Zone I, Zone II, or Zone III areas.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material that is a hazardous waste as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the head-works of a facility.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M.G.L. c.21. s.52A.

Zone II: The DEP approved area of an aquifer which would contribute water to a public water supply well if such a well were pumped continuously for a period of 180 days at its maximum safe yield without any natural recharge to the aquifer occurring, as defined in 310 CMR 22.00.

Amend the Zoning Bylaw Article XII Special Regulations, Section 12.02 Site Plan

Approval by inserting the following new subsection 6. (i) Review Criteria /

Performance Standards and re-lettering the current subsection 6. (i.) 6. (j.)

Section Site Plan Approval
12.02

6. i. Where a proposal is within the jurisdiction of the Water Resource Protection District (WRPD), compliance with Section 13.03.6 Performance and Design Standards for All Activities.
6. j. Conformance with all appropriate provisions of the Zoning Bylaw except where variance from such provision is applied for and approved by the Board. All permits issued under this bylaw shall be conditioned upon receipt of all other required permits including Board of Health; Conservation Commission if necessary; all required permits set out in Section 10.10, Article XI, Article XIII and Article XV; and others as required.

Amend the Zoning Bylaw Article III, Establishment of Zoning Districts by deleting section 3.05 (8) in its entirety.

PASSED BY 2/3rds VOTE

ARTICLE 21 The Town **VOTED** to amend the Zoning Bylaw Section 5.04 Table of Use Regulations by inserting the following new use under the category of Wholesale Transportation and Industrial

Principal Uses	Residential				Business					Indus- trial	Overlay		
	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRP D
<u>WHOLESALE, TRANSPORTATION AND INDUSTRIAL</u>													
20. Renewable or alternative energy research & development facilities in buildings 50,000 sq/ft or greater	-	-	-	-	-	-	-	-	-	P*	-	P*	-

Key

S = Special Permit Required

P = Use Permitted

- = Prohibited Use

* = **Expedited Permitting** - The By-Right Site Plan Approval process administered by Zoning Board of Appeals for renewable or alternative energy research & development facilities in buildings 50,000 sq/ft or greater shall be completed within one year of the date of submission of a complete application package. All other locally required permits for renewable or alternative energy research & development facilities in buildings 50,000 sq/ft or greater shall also be issued within one year of the date of submission of a complete application package.

PASSED BY 2/3rds VOTE

ARTICLE 22 The Town **VOTED** to raise and appropriate the sum of \$25,000 from the FY 2012 tax levy for the purpose of providing Senior Citizen Real Estate Tax Vouchers for services rendered pursuant to an agreement to be formulated between the Council on Aging and the Board of Selectmen.

PASSED BY MAJORITY VOTE

ARTICLE 23 The Town **VOTED** to authorize the taking by eminent domain of a 15.8 acre parcel of marsh land located off Careswell and Canal Streets, identified on the Assessors Map as Lot L03-01-1, for conservation and environmental protection purposes, with no damages to be paid therefor.

PASSED BY 2/3rds VOTE**ARTICLE 24 -**

Item 1 - Community Housing - Affordable Housing Coordinator: The Town **VOTED** that \$65,000 be appropriated from FY2012 Community Preservation Fund revenues to fund the compensation of a Housing Coordinator to support and implement the Affordable Housing Plan submitted by the Housing Partnership.

PASSED BY MAJORITY VOTE

Item 2 - Community Housing Reserve: The Town **VOTED** that \$152,425 of FY2012 Community Preservation Fund revenues be reserved for Community Housing Reserve.

PASSED BY MAJORITY VOTE

Item 3 - Open Space Reserve: The Town **VOTED** that \$132,034 of FY2012 Community Preservation Fund revenues be reserved for Open Space Reserve.

PASSED BY MAJORITY VOTE

Item 4 - Historic Resources: The Town **VOTED** that \$132,034 of FY2012 Community Preservation Fund revenues be reserved for Historic Resources Reserve.

PASSED BY MAJORITY VOTE

Item 5 - Administration: The Town **VOTED** that \$66,017 of FY2012 Community Preservation Fund revenues be appropriated for CPA Administrative Operating Expenses.

PASSED BY MAJORITY VOTE

Item 6 - Budgeted Reserve: The Town **VOTED** that \$772,827 of FY2012 Community Preservation Fund revenues be reserved for the Budgeted Reserve.

PASSED BY MAJORITY VOTE

ARTICLE 25 The Town **DEFEATED** reducing the percentage of taxation of the Community Preservation Act from 3% to .5% (half of one percent).

DEFEATED BY MAJORITY VOTE

ARTICLE 26 The Town **DEFEATED** reducing the current 14-16% penalty on overdue residential property taxes to 7% -9% respectively.

DEFEATED BY MAJORITY VOTE

ARTICLE 27 The Town **DEFEATED** raising and appropriating the sum of \$5,000 for expansion of Ventress Memorial Library by installing a doorway into the adjoining building.

DEFEATED BY MAJORITY VOTE

ARTICLE 28 The Town **DEFEATED** allocating 50% of the proceeds from the Community Preservation Fund, established pursuant to M.G.L. Chapter 44B, to initiatives and/or projects designed to facilitate, preserve and safeguard access to Marshfield's coastal shoreline and marshes. And that the Town authorize the Board of Selectmen and/or the DPW Department to apply to the appropriate Federal, State or private agencies seeking grant assistance or reimbursement for any funds expended for said purposes and to enter into any contracts, execute any documents, or take any other action necessary to secure such reimbursement.

DEFEATED BY MAJORITY VOTE

ARTICLE 29 The Town **DEFEATED** reducing the amount of the Transfer station access permit from \$20.00 to \$5.00.

DEFEATED BY MAJORITY VOTE

ARTICLE 30 The Town **DEFEATED** allowing holders of Marshfield Transfer Station access permits to bring two loads of building material or bulky household items that can not fit in a PAYT bag, to the transfer station a year at a cost of five dollars a load. All material must be hauled in a vehicle with no more than a rear single axel non dual tires or a single axel trailer but not a combination of both. The five dollars shall be paid at the DPW office at Town Hall. A special permit shall be issued for each load and a record will be kept of each permit.

DEFEATED BY MAJORITY VOTE

ARTICLE 31 The Town **VOTED** to raise and appropriate from the FY2012 tax levy \$1,650 for the support of the Clift Rodgers Free Library and YWCA, Marshfield Branch, the sum to be divided equally.

PASSED BY MAJORITY VOTE

ARTICLE 32 The Town **VOTED** to amend The General Bylaws by inserting the following paragraph into Bylaw 20 Earth Removal add the following sentence at the end of Paragraph 2.

The Board of Selectman will not issue any earth removal permits for projects submitted after June 30, 2011 for properties located in districts that are zoned as residential (currently designated as RB, RI, R2 and R3) although existing permits may be renewed.

YES – 56 NO 49

ARTICLE 33 The Town **DEFEATED** a Department or Committee that is proposing an increase in a tax or fee must hold a Public meeting to discuss the reason for the increase prior to voting on the increase.

DEFEATED BY MAJORITY VOTE

ARTICLE 34 The Town **PASSED OVER** the Department of Public Works Board & Superintendent be required to meet with Youth Organizations prior to the spending of any funds that these groups pay to the Town of Marshfields field revolving fund. A yearly budget and Plan approved by the Youth groups must be in place prior to the spending of the funds. In addition any funds not expended in the Fiscal Year they were collected shall be returned to the organizations on a prorated basis.

PASSED OVER

ARTICLE 35 The Town **PASSED OVER** raise or appropriate from the FY 2012 tax levy the sum of \$3,500 to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents.

PASSED OVER

ARTICLE 36 The Town **VOTED** to raise and appropriate from the FY 2012 tax levy \$825. for each of the following three Non-Profit Organizations to contract for services to Marshfield residents:

1. South Coastal Counties Legal Services (\$825) for free legal civil matter services for low income families and their children.

2. South Shore Women's Resource Center (\$825) for domestic violence intervention and prevention services that empower women and children to lead lives free of violence.
3. Womansplace Crisis Center (\$825) for services for victims of sexual assault.

PASSED BY MAJORITY VOTE

ARTICLE 37 The Town **DEFEATED** amending the Town of Marshfield Zoning Map by including all of the land in the I-1 Industrial District southerly of Plain Street (Route 139) in the Planned Mixed-Use Development Overlay District and by adding the following language to the existing provisions of the bylaw:

Article 11, Section 11.05, Paragraph 8: In addition, the Planning Board shall have the right to waive strict compliance with any of the Required Performance Standards set forth in Paragraph 4 and/or the Requirement of a Public Green set forth in Paragraph 5, when the specific sites due to their location could not reasonably comply with the Required Performance Standards and/or cannot reasonably be located abutting a Public Green and where an applicant incorporates other design features into its site which further the intent and purposes of the Planned Mixed-Use Development

DEFEATED BY 2/3rds VOTE